

# INFORMATION LETTER

Not for  
Publication

NATIONAL CANNERS ASSOCIATION

For Members  
Only

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Washington, D. C.

June 7, 1941

## NEW CAN SIZE BILL PROPOSED

### Weights and Measures Officials Approve Draft of Standardization Measure

The National Conference of Weights and Measures Officials held in Washington during the past week approved the draft of a bill to standardize containers for canned food. The bill has not been introduced in Congress, but if and when introduced the National Association of Weights and Measures Officials is committed to its support.

The bill, in Section 3, would establish the following standard packages for liquid foods and for canned foods, the specified amounts being the net amounts of food in the packages at marketing temperature: 1 ounce, 2 ounces, 4 ounces, 8 ounces, 12 ounces, 1 pint, 1½ pints, 1 quart, 3 pints, 2 quarts, 3 quarts, 1 gallon and multiples of 1 gallon, United States liquid measure.

The bill does not provide for dimensions of containers, but does provide (Section 6) that:

"Whenever the Administrator finds, after investigation, that with respect to particular packages of food it is needful, for the promotion of honest and fair dealing in the interest of the consumer (a) To fix the dimensions of the containers for particular liquid foods or canned foods, he shall prescribe, by regulation, standard dimensions for such containers; when standard dimensions have been so prescribed, the particular packages of food in question shall be 'standard packages' for the purposes of this Act only when the dimensions of the containers conform to the prescribed standard dimensions."

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## NATIONAL NUTRITION CONFERENCE

### Makes 12 Recommendations for Improving Health and Morale of Public

Combination of a long-range and emergency program of public nutrition was the aim of a set of 12 recommendations which came out of the National Nutrition Conference for Defense, called by President Roosevelt in Washington, D. C., May 26, 27, and 28. Representatives of the Association, and some individual canners were among the 900 delegates comprising home economists, public health officials, nutritionists, national, State and local government officials, and representatives of consumers, agriculture and the food industries.

The conference consisted of general meetings, addressed by principal speakers, and of special sessions at which specific phases of nutrition problems were taken under discussion. These discussions formed the basis of the 12-point program of recommendations.

The section of chief interest to the canning industry was that dealing with nutrition problems in distribution and

processing of foods. This section recommended to the conference as an essential to improved nutrition among low-income families: a greater efficiency in the transportation, processing and distribution of food products; the elimination of bottlenecks which now contribute to keeping food prices and margins higher than they should be; and the revision of legislation which includes restrictions not designed solely for the protection of the health of consumers, internal trade barriers, taxes upon foods, and particular methods of distribution.

This section recommended also that the Government carry on an educational program to the end that all nutritional factors in processed foods are utilized without waste or loss; that addition of vitamins or minerals or both to processed foods be directed primarily to foods that need enrichment; that the National Selective Service System be requested to recommend to local boards deferment of those technically trained men who are essential in processing of foods; that the Office of Production Management give effective priorities to the food-processing industry for material and supplies essential to the production of processed food and food access-

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## NATIONAL EMERGENCY PROCLAMATION

### Gives President Broader Powers to Cope With Problems of Defense Program

President Roosevelt proclaimed on May 27 that an unlimited national emergency confronts the country, requiring that military, naval, air, and civilian defenses be put on the basis of readiness to repel acts or threats of aggression directed towards any part of the Western Hemisphere. The proclamation is reproduced below, followed by a statement by counsel, dealing with its possible effects on the canning industry:

WHEREAS, on September 8, 1939, because of the outbreak of war in Europe, a proclamation was issued declaring a limited national emergency and directing measures "for the purpose of strengthening our national defense within the limits of peace-time authorizations"; and

WHEREAS, a succession of events makes plain that the objectives of the Axis belligerents in such war are not confined to those avowed at its commencement, but include overthrow throughout the world of existing democratic order, and a world-wide domination of peoples and economies through the destruction of all resistance on land and sea and in the air; and

WHEREAS, indifference on the part of the United States to the increasing menace would be perilous, and common prudence requires that for the security of this nation and of this hemisphere we should pass from peace-time authorizations of military strength to such a basis as will enable us to cope instantly and decisively with any attempt at hostile encirclement of this hemisphere, or the establishment of any base

for aggression against it, as well as to repel the threat of predatory incursion by foreign agents into our territory and society; now, therefore

I, Franklin D. Roosevelt, President of the United States of America, do proclaim that an unlimited national emergency confronts this country, which requires that its military, naval, air, and civilian defenses be put on the basis of readiness to repel any and all acts or threats of aggression directed toward any part of the Western Hemisphere.

I call upon all the loyal citizens engaged in production for defense to give precedence to the needs of the nation to the end that a system of government that makes private enterprise possible may survive.

I call upon all our loyal workmen as well as employers to merge their lesser differences in the larger effort to insure the survival of the only kind of government which recognizes the rights of labor or of capital.

I call upon loyal State and local leaders and officials to co-operate with the civilian defense agencies of the United States to assure our internal security against foreign directed subversion and to put every community in order for maximum productive effort and minimum of waste and unnecessary frictions.

I call upon all loyal citizens to place the nation's needs first in mind and in action to the end that we may mobilize and have ready for instant defensive use all of the physical powers, all of the moral strength, and all of the material resources of this nation.

#### **Expected to Speed Up Defense Efforts**

This proclamation of an unlimited national emergency means that the United States is now on a full war-time emergency basis, and that an immediate speeding-up and redoubling of national defense efforts may be expected. It also means that the President now has available for use, as the occasion demands, many broad emergency powers conferred upon him not only by recent defense legislation but also by World War statutes still in effect.

The specific, ultimate effect of the proclamation upon the canning industry is not clear and will depend upon future developments in the defense program. No indication has thus far been given of the immediate adoption of any new restrictions, controls, or emergency measures directly applicable to the canning industry; nor of any general revision of those phases of the defense program, already in effect, that have the greatest impact on canning; namely, Army and Navy subsistence procurement, Lend-Lease purchasing by the Federal Surplus Commodities Corporation, tin conservation, priorities, and the activities of the Office of Price Administration and Civilian Supply. On the other hand, it appears that the additional powers now available to the President will be used largely to implement and strengthen the emergency defense measures that have already been inaugurated. For example, the President this week signed the Vinson Priorities bill which confers upon the Office of Production Management the authority to extend and make mandatory the system of priorities, now largely voluntary, that already is in effect.

#### **Powers that Are of Interest to Canners**

A complete catalogue of the emergency powers which the President has under the existing statutes is not of direct interest to canners. A few of the most significant powers, from the viewpoint of the canning industry, may be mentioned. Foremost among these is the power of the President

to place with any manufacturer a compulsory order for Army and Navy supplies and equipment. This power is conferred upon the President by a provision in the National Defense Act of 1916, still in effect, and by a similar and broader provision of the Selective Training and Service Act (the Draft Act), passed by Congress last year. Orders for Army and Navy supplies and equipment placed with manufacturers by the President under this authority are compulsory and must be given precedence over commercial business. Upon the failure of a manufacturer to comply with such an order, the President may take possession of and operate the factory.

It should be observed, however, that the President has had this power of placing compulsory orders since the passage of the Draft Act in September, 1940, and that he could have exercised it even prior to the recent proclamation of an unlimited national emergency. Legislation conferring even broader powers over private property was proposed this week, when a bill was introduced in the Senate which would authorize the President to requisition any kind of property needed for the furtherance of the defense program. If experience during the last war is any guide, such broad powers to compel the production of merchandise or to requisition private property will be utilized only in extreme cases, but the existence of these powers probably will be helpful in obtaining compliance with other defense regulations and control measures, such as the control of prices.

#### **Other Presidential Emergency Powers**

Among the other emergency powers now available to the President are powers to regulate and control transportation and shipping. The Merchant Marine Act of 1936 provides that, in time of national emergency proclaimed by the President, the Maritime Commission has the authority to requisition or purchase any vessels owned by citizens of the United States, or to requisition the use of any such vessel. Similarly, the Interstate Commerce Act contains provisions which would authorize the Interstate Commerce Commission, at the request of the President, to impose upon the railroads of the United States a system of priorities designed to facilitate and give preference to the transportation of defense materials.

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The law would be administered by the Federal Security Agency, and the Administrator would be authorized to establish the necessary regulations.

The Administrator would likewise be authorized to establish, by regulation, exemptions with respect to particular foods from the provisions of Section 3.

The Administrator also would be authorized, on his own initiative or on application of any interested industry or substantial proportion thereof stating reasonable grounds, to hold a public hearing upon a proposal to issue, amend, or repeal any regulation contemplated by the Act.

#### **1941 Almanac of the Canning Industry Published**

The 1941 almanac of the canning industry has been published by the Canning Trade of Baltimore. It contains a compilation of food laws and regulations, pack statistics, labeling requirements, standards of identity, can sizes, and other reference data.

# ASPARAGUS STANDARDS CLARIFIED

## Where A.M.S. Drained Weights Do and Do Not Apply—Determination Methods Cited

Asparagus canners having raised several questions with respect to interpretation of Agricultural Marketing Service standards for canned asparagus, the Association obtained from the A.M.S. the following information on the various points in which canners expressed interest.

It was not the intention of A.M.S. to have the drained weights specified in the standards apply to the small-sized cans of cut asparagus. The drained weight of 63 ounces does apply to cut all-green asparagus. The other drained weights for green asparagus apply only to spears and tips.

All of the drained weights specified in all of the A.M.S. standards are to be determined in the following manner:

The proper screen is weighed dry and that tare is set on the scales. The entire contents of the can are poured onto the screen in such a manner as to distribute the contents fairly uniformly over the surface of the screen without any downward pressure. The material is allowed to drain for two minutes with the screen tilted at an angle so that the drainage will be more complete to one side. The tilting is not so great as to cause sliding of the drained material on the screen. At the end of the 2-minute period, the screen with the contents, without shaking or wiping off the bottom of the screen, is transferred to the scale and the weight taken. The drained material on the screen, together with the adhering liquid, is taken as the drained weight.

It is the intention of A.M.S. to apply the quality standards for asparagus to cut asparagus as well as to the spears and tips. Certain parts of the standards, such as uniformity of size, will take into consideration the nature of the product in applying the quality standards to cut asparagus.

The requirement in the A.M.S. standard definition of cut asparagus that there be one head to not more than two cuts is for the definition of the product only, and does not apply to the determination of the quality of the product. Much additional information on the definition of cut asparagus is being obtained this year, it was stated, and this, along with information obtained by the industry, will enter into considerations for a modification of the definition.

## Red Cherry Crop Condition Report

Canners throughout the red tart cherry-producing States report early conditions of the crop indicate yields of from only two-thirds to three-fourths of those produced in 1940.

Wayne and Ontario counties, New York, report prospects for about 80 per cent of normal yields. Growers and canners in Michigan agree that conditions in the Grand Traverse region indicate a crop of only about 50 per cent of last year, due to late blooms falling. Conditions are slightly better in central and southern Michigan, where crop may be from 70 to 80 per cent of last year. Wisconsin reports very promising conditions with prospects for about 18 million pounds. Last year, Wisconsin produced 12,410,000 pounds. Oregon and Washington prospects are reported to be very poor.

Estimates vary, but a number indicate the crop may not be more than one-fourth as large as last year. A more complete report of the condition of the cherry crop will be made in next week's INFORMATION LETTER as the Department of Agriculture's estimate of production will be issued about June 10 or 11.

## Revision of Bean Standards Proposed

Revision of the United States standards for edible beans is being considered by the Department of Agriculture, and if such revised standards are adopted they will become effective with the 1941 crop.

Two principal changes are involved, according to announcement by the Agricultural Marketing Service:

"Greater uniformity in grade specifications for each of the numerical grades of all classes of beans.

"Recognition of the principle of 'handpicking' as a method of market preparation which affects the character and quality of beans, and the incorporation of a provision in the standards for grading and certifying such beans."

The proposed revision is being presented to growers, shippers, canners, and other interested parties, to furnish them an opportunity to study the proposed changes. Comments and inquiries should be addressed to the Agricultural Marketing Service, United States Department of Agriculture, Washington, D. C., prior to July 1. Additional copies of the proposed revisions may be obtained there or by addressing the Association.

## Rehearing on Walsh-Healey Exemption

The Administrator of the Public Contracts Division of the Department of Labor has announced a rehearing to be held in Washington, D. C., June 9, on the request of the War Department for an exemption from the hours and overtime provisions of the Walsh-Healey Act in the case of contracts for canned fruits and vegetables.

This request previously had been denied without prejudice in a decision of January 30, reported in the INFORMATION LETTER of February 1, but has been renewed by the Secretary of War to permit the award of contracts for the purchase of the canned fruits and vegetables of the varieties named in the following list, for a period of one year:

Corn	Raspberries
Apples	Sauces, chili and worcestershire
Applesauce	Asparagus
Apricots	Beans, lima
Blackberries	Beans, string (or snap)
Blueberries (huckleberries)	Cabbage
Cherries	Catsup
Figs	Peas
Fruit cocktail	Pumpkin
Grapes, varied	Spinach
Grapefruit	Squash
Loganberries	Tomatoes
Peaches	Tomato juice
Pears	Tomato puree
Pineapple	Beets
Plums	Carrots
Prunes, fresh, canned	Grapefruit juice



### Patriotic Insignia Offered by War Department

The Adjutant General's Office of the War Department has designed a pictorial slogan, intended to focus the public mind on unity of purpose, action, and morale in the defense effort. It is reproduced herewith.



Members of trade and industrial associations are being asked to use the slogan and design as an act of voluntary and patriotic cooperation. It is suggested that the insignia could be made a part of advertising and printed matter and the slogan worked into radio scripts, either in the dialog or as a program sign-off.

The War Department feels that general public use of the slogan, "Let's go, U.S.A.! Keep 'em flying!", may assist in the procurement of the 120,000 flying cadet applicants needed annually in the program of training 30,000 pilots a year.

Members of the Association may obtain mats of the insignia free on application to the Adjutant General's Office, U. S. Department of War, Washington, D. C. Black and white, screen, ten day, or red, white and blue color reproductions are available in three sizes: 2½, 1¾, or 1½ inch diameter.

### NATIONAL NUTRITION CONFERENCE

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sories; that the U. S. Maritime Commission and the Transportation Division of the Office of Production Management give effective priorities for the transportation of materials and processed foods, and the supplies and personnel necessary for their production.

In its final deliberations the conference reiterated its premise that the food an individual eats fundamentally affects his health, stamina, nervous condition, morale, and mental functioning and that accordingly it is vital for the United States to make immediate and full use of the newer knowledge of nutrition in its present national emergency, not only for the benefit of the armed forces but for workers in industries directly and indirectly related to defense, and for the civilian population as a whole. The following 12 points were recommended as the basis for a national nutrition policy that will reach down to every community and that should be carried beyond the present emergency:

(1) The use of the recommended allowances of calories, protein, and certain important minerals and vitamins, prepared by the Committee on Food and Nutrition of the National Research Council, both as the general goal for good nutrition in the United States and as the yardstick by which to measure progress toward that goal. It should be clearly recognized that these recommended allowances represent the best knowledge now available, and that they will undoubtedly be modified as more knowledge accumulates.

(2) Translation of these allowances, and other similar technical material, into terms of everyday foods and appetizing meals suitable for families and individuals at different economic levels in such a way that the newer knowledge of nutrition can be applied simply and practically, in every home, and in accordance with the food preferences of the family.

(3) Vigorous and continuous research to add to our present knowledge of the nutritional needs of individuals,

the nutritional status of groups in the population, the nutritive content of everyday foods, and the effects of various methods of processing, storing, and cooking on their nutritive value.

(4) More widespread education of doctors, dentists, social-service workers, teachers, and other professional workers in the newer knowledge of nutrition. At present this knowledge, especially in its practical applications, is familiar to far too small a group, even in the professional field.

(5) The mobilization of every educational method to spread the newer knowledge of nutrition among laymen by means of the schools, motion pictures, the radio, the public press, home and community demonstrations, and all other suitable means.

(6) Mobilization of all neighborhood, community, State, and national organizations and services that can contribute in any way to raising the nutritional level of the people of the United States. Many existing organizations are available for this purpose. How they can be mobilized to cooperate most effectively will depend on local situations. The State nutrition committees can perform an especially useful function in organizing this effort.

(7) Vigorous and continued attack on the fundamental problems of unemployment, insecure employment, and rates of pay inadequate to maintain an American standard of living. It has been abundantly proved in many cases that undernourishment and ignorance are twins born of the same mother—poverty. The newer knowledge of nutrition should be a powerful stimulus to greater effort to alleviate and eventually eliminate poverty.

(8) Full use of any practical devices, such as the so-called stamp plan, free school lunches, and low-cost milk distribution which will bring nourishing, adequate meals to those who could not otherwise afford them, and at the same time help to distribute food surpluses at a fair return to the farmer.

(9) Efforts to improve food distribution, including processing, marketing, packaging, and labeling, to bring about greater real economies for the consumer. These efforts would include vigorous prosecution of illegal practices under the anti-trust laws and the laws relating to unfair trade practices wherever such practices result in unjustifiable increases in food prices.

(10) Encouragement in all practical ways of greater production by agriculture of the foods needed in more abundance, according to the newer knowledge of nutrition, in the average American diet. These foods include milk and milk products, eggs, vegetables, fruits, and, in the case of many families, lean meats.

(11) Equally, encouragement in every practical way of more production for home use by rural people, especially those at low income levels. Large numbers of farm families can greatly improve their nutritional status by making more complete use of the resources on their own farms.

(12) The "enrichment" of certain staple food products, such as flour and bread, with nutritive elements that have been removed from them by modern milling and refining processes. Pending further developments in the milling of grains so as to retain their full, natural nutritive values, "enrichment" is an economical way to improve American diets almost universally without interfering with deeply ingrained food habits. The method, however, should be used with discretion and only on the basis of findings by medical and nutritional experts.

# Unsold Stocks of Canned Salmon

Unsold stocks of canned salmon were nearly a million less on May 31, 1941 than on the same date of 1940. The total of 135,865 cases represents a decrease of 985,013 from the May 31, 1940 total of 1,120,878 cases, according to statistics compiled by the Association of Pacific Fisheries.

Stocks decreased 96,824 cases during May, 1941, from 232,689 cases on April 30, to 135,865 cases on May 31.

The figures are based on reports of companies putting up 99 per cent of the pack. The following table represents detailed figures on unsold stocks:

Grades or Varieties	Tails (1 lb.)	Flats (1 lb.)	Halves (8 doz.)	Total May 31, 1941	Total May 31, 1940
Chinooks or Kings:	Cases	Cases	Cases	Cases	Cases
Fancy Red.....	1,523	16,894	18,417	11,290	
Standard.....	1,676	2,936	6,052	10,604	6,375
Pale.....	150	19	4,622	4,785	895
White.....	59		2,012	2,071	154
Puget Sound Sockeyes.....		4,425	4,425	26,030	
Alaska Reds.....	1,806	350	29,386	31,542	849,474
Cohos, Silvers, Medium Reds.....	7,002	4,665	9,866	21,533	55,866
Pinks.....	33,174	822	292	34,288	107,745
Chums.....	2,378	5	2,364	4,747	62,042
Bluebacks.....			355	355	540
Steelheads.....	998	400	1,640	3,038	467
Totals.....	47,243	10,714	77,908	135,865	1,120,878

# New A.M.S. Grades for Canned Peas

New U. S. grades for canned peas, effective May 1, 1941, have been issued by the Agricultural Marketing Service of the United States Department of Agriculture. These new standards supersede the previous standards and all canners of peas should familiarize themselves with the new requirements, as statements of quality, if carried on the labels of canned peas, may be checked against these grade specifications. Furthermore, the standards will be used in connection with government purchases where A.M.S. grades apply.

The new standards differ from the old in several respects. The quality factor of flavor has been taken out, and the scores for the other factors have been modified. The designation of the size of canned peas is based on the size of peas in the can rather than on the size of peas before blanching, as is customary in the trade. The determination of maturity is based on a specific gravity test with specified salt solutions in the case of Fancy and Extra Standard peas. The maturity of the Standard grade peas is checked by the same test used in the Food, Drug, and Cosmetic Act standard of quality for canned peas.

# Evaporated Apple Export Petition Filed

The Washington Evaporated Apple Export Association, Yakima, Washington, has filed papers under the Export Trade Act with the Federal Trade Commission for exporting evaporated apples. This Act permits combinations or associations to engage in export trade, if such is their sole purpose, and provided there be no restraint of trade within the United States, or of the export trade of any domestic competitor, but it prohibits any act which might enhance or depress prices within the country, lessen competition, or otherwise restrain trade.

# FOOD STANDARD HELD INVALID

## Court Questions Omission of Corn Syrup as an Optional Ingredient in Condensed Milk

In the first court decision that has reviewed the validity of a food standard promulgated under the new Federal Food, Drug, and Cosmetic Act, the Federal Circuit Court of Appeals for the Seventh Circuit, sitting in Chicago, last week held invalid the standard for sweetened condensed milk promulgated by the Secretary of Agriculture last year. The court found that the Secretary, in promulgating the standard, had failed to consider the desirability of permitting the use of corn syrup as an optional ingredient in the manufacture of sweetened condensed milk.

The court proceedings leading to this decision were instituted by the A. E. Staley Manufacturing Company, a manufacturer of corn syrup. Staley had appeared at the hearing and offered evidence to the effect that corn syrup is a suitable and desirable sweetening ingredient for use in sweetened condensed milk. No evidence was offered, however, to show that corn syrup ever had been used commercially in the manufacture of sweetened condensed milk. In promulgating the standard, the Secretary of Agriculture found that the sweetening ingredient used in manufacturing condensed milk is refined sugar or a mixture of refined sugar and corn sugar. He did not even mention corn syrup.

The court concluded that the failure of the Secretary to make any finding concerning corn syrup was erroneous. In view of the requirement in the Act that the Secretary must make detailed findings based on substantial evidence of record, the court concluded that the Secretary should have made a specific finding with reference to corn syrup, or at least a finding to the effect that refined sugar and refined corn sugar are the only sweetening ingredients that can be used in the product. The failure of the Secretary to make such a finding invalidated the standard, in the court's opinion.

The decision also is significant because it sustained the right of a manufacturer or supplier of an ingredient used in the manufacture of a standardized food to appeal a standard. The Food and Drug Administration had contended that the Staley Company did not have sufficient interest to petition for appeal, since it was not a manufacturer of sweetened condensed milk, but merely the supplier of an ingredient. This contention the court overruled.

# Standards for Canned Mushroom Grades

Standards for grades of canned mushrooms were established by the Agricultural Marketing Service, effective May 15, 1941. The standards, as issued, include definitions of the different styles of canned mushrooms; specifications for U. S. Grade A or U. S. Fancy, U. S. Grade C or U. S. Standard, and off-grade canned mushrooms; specific terms for size designation; drained weight requirements for ten can sizes; and the usual instructions for determining the score and ratings.

All canners of mushrooms should acquaint themselves with these standards for grades. Copies may be obtained from the Agricultural Marketing Service, Washington, D. C.

## Fruit and Vegetable Market Competition

### Carlot Shipments as Reported to the Agricultural Marketing Service by Common Carriers

Supplies of tomatoes and peas on the fresh market for the week ending May 31, 1941, were considerably smaller than for the corresponding week in 1940, according to the Agricultural Marketing Service. Bean supplies, on the other hand, were larger, as evidenced by carlot shipments. Citrus fruits also were considerably larger for the week ending May 31 this year than for the corresponding term in 1940.

The following table, compiled from statistics of A.M.S., gives detailed comparisons of carlot shipments on certain dates of selected vegetables and fruits:

VEGETABLES	Week ending—			Season total to—	
	May 31, 1940	May 31, 1941	May 24, 1941	May 31, 1940	May 31, 1941
Beans, snap and lima.....	143	164	277	3,332	3,453
Tomatoes.....	1,558	902	875	5,466	5,174
Green peas.....	144	87	99	2,618	2,222
Spinach.....	1	1	0	5,559	5,072
Others:					
Domestic, competing directly..	725	908	1,127	32,151	30,332
Imports, competing directly..	0	0	0	195	413
Imports, competing indirectly..	2	1	4	2,621	2,438
<b>FRUITS</b>					
Citrus, domestic.....	2,789	4,002	1,703	112,750	121,201
Others, domestic.....	741	411	612	21,260	21,133

## WAGE-HOUR DRIVE UNDER WAY

### Employers Cautioned to Avoid Child Labor Infractions as School Vacations Begin

As was announced in the INFORMATION LETTER of May 10, a nation-wide enforcement drive in the canning industry is on the program of the Wage and Hour Division for this summer. Some 400 inspectors will be participating when the drive, launched this week, is in full swing, states the Administrator, General Philip B. Fleming.

"The drive will be both educational and punitive in nature", said General Fleming. "Our inspectors will carry forward our program of instruction in the provisions of the law, but their primary job will be to search out violations in covered plants. We are not going to crack down on the employer who makes some minor mistake when he is sincerely trying to obey the law, but we do intend to see that every canner of fresh fruits and vegetables is in complete compliance with the Act."

One requirement of the Act is that every canner keep records for each employee, showing such information as hours worked, rates of pay, and overtime compensation, and on this score the Administrator stated: "The very fact that an employer's records are complete will be taken as evidence of good faith by our inspectors. Many smaller canners keep 'hip-pocket' records, entering all their employment data in pocket note books, carried with them. We have no objection to this, so long as they are complete."

Child labor provisions of the Wage and Hour Act are enforced by the Children's Bureau of the U. S. Department of Labor, which is making a simultaneous drive, according to an announcement by Regional Director Thomas O'Malley of the Wage and Hour Division at Chicago, who cautions employers against child labor violations which might occur

now with the advent of school vacations, as temporary or permanent workers are made available from the ranks of thousands of school boys and girls. Shipment in interstate commerce of goods produced in an establishment in or about which "oppressive child labor" has been employed is prohibited by the Act, and "oppressive child labor" is defined as the employment of children under 16 in manufacturing establishments or driving and acting as a helper on a motor vehicle. Sweeping, cleaning-up, handling material or performing any work in or about an establishment is as illegal as actual work on machines, Mr. O'Malley pointed out, and, since working in or about canneries is a manufacturing, and not an agricultural occupation, the child labor provisions apply and are not exempt as is the case with children employed in agriculture during periods they are not legally required to attend school.

Employers may protect themselves against unintentional violations of the child labor provisions of the Act by insisting that each new employee under 21 have a certificate of age, Mr. O'Malley stated. These certificates should be kept on file at the place of employment and be made readily available to inspectors of both the Wage and Hour Division and the Children's Bureau.

"Employers will be filling the jobs of draftees and new jobs created by national defense production with many boys and girls now in the classrooms. While it is important to fill the jobs, it is equally important that the employer protect himself against violating the law," asserted Mr. O'Malley.

Certificates of age, certifying that minors are above the "oppressive child labor" age, are available in all States except Idaho, Mississippi, South Carolina, and Texas.

## Evaporated and Condensed Milk Statistics

Manufacturers stocks of evaporated milk (case goods) were lower for May 1, 1941 than they have been on that date since 1936, according to the Agricultural Marketing Service, despite record production during April. The estimated April output of 258,014,000 pounds was 12 per cent higher than the same month last year, and 36 per cent greater than the April (1935-39) average. This represents the greatest seasonal increase in production on a percentage basis from March to April that has been shown since 1929. Evaporated milk production during the first four months of the year showed a gain of 5 per cent over that of the corresponding period last year.

Stocks declined nearly 10,000,000 pounds this year to 126,160,000 pounds for May 1, contrary to the usual seasonal increase from April 1 to May 1. Present stocks represent a decrease of 39 per cent from the same date a year ago but a gain of 8 per cent from the average May 1 stocks during 1935-39.

The output of condensed milk (case goods), at 9,433,000 pounds for April, was the highest production for any month since March, 1931. Increase from the same month last year was 197 per cent and from the April (1935-39) average, 105 per cent. Manufacturers stocks, on May 1, 1941, were 7,228,000 pounds, nearly the same as on April 1. Stocks are 80 per cent higher than the 4,014,000 held on May 1 last year and 51 per cent above the April 1 average during the years 1935-39.



# F.S.C.C. TOMATO PURCHASES

## First Canned Pilchard Futures Bought by S.M.A. —Weekly Record of Other Buys

Continuing its semi-monthly purchases of tomato futures, the Federal Surplus Commodities Corporation announced Thursday the purchase of 392,640 cases, composed of 305,140 No. 2's, 82,500 No. 2½'s, and 5,000 No. 10's. Standard or grade C tomatoes accounted for 307,640 cases of the total.

The following table shows the purchases by State, grade, can size, and quantity:

State		Amount by grade and can size		
		No. 2's Cases	No. 2½'s Cases	No. 10's Cases
Arkansas.....	C	101,000		
California.....	C		B 5,000	
	C		C 60,000	
Indiana.....	B	75,000		
	C	29,500	C 12,500	
Ohio.....	C	40,000	C 5,000	C 5,000
Maryland.....	C	8,000		
Tennessee.....	B	5,000		
Texas.....	C	40,640		

Among other purchases made by F.S.C.C. and the Surplus Marketing Administration since the last issue of the INFORMATION LETTER, were 26,500 cases of canned pilchard futures, 47,925 gallons of concentrated orange juice, representing their first purchase of these two items, and 431,400 bags of dry beans.

The first of the following two tables contains a break-down of the most recent dry bean purchases by variety along with a cumulative total. The second table contains a selected list of commodities purchased since May 26.

### DRY BEAN PURCHASES

Variety	Purchases	
	May 26-June 6 Bags	March 15-June 6 Bags
Great Northern.....	123,200	441,800
Pintos.....		182,563
Pinks.....		100,502
Blackeyes.....		78,406
Pea beans.....	290,500	715,300
Small whites.....	11,700	26,200
Total.....	431,400	1,514,771

### TOTAL PURCHASES OF SELECTED COMMODITIES

Commodities	Purchases	
	May 26-June 6	March 15-June 6
Dry beans (bags).....	431,400	1,514,771
Pork, canned (pounds).....	973,204	43,925,462
Evaporated milk (cases).....	502,800	2,064,800
Apples, fresh (bushels).....	65,115	1,513,748
Oranges, fresh (boxes).....	76,692	331,716
Orange juice, concentrated (gallons).....	47,925	47,925
Pilchards, canned, spots (cases).....	72,352	291,788
Pilchards, canned, futures (cases).....	26,500	26,500
Tomatoes, canned, spots (cases).....	419,596	1,038,371
Tomatoes, canned, futures (cases).....	1,018,440	1,543,040

## Answer Filed to F.T.C. Spinach Complaint

Pacific Fruit and Produce Co., four other Walla Walla, Wash., shippers, four Chicago jobbers, and a Minneapolis broker have filed answers to the Federal Trade Commission complaint alleging price fixing and other restraint of trade practices in the interstate sale of broadleaf spinach, which was reported in the April 26 INFORMATION LETTER.

The Pacific Fruit and Produce Company answer declares that it does not own or control any sources of supply of

broadleaf spinach but purchases all its requirements in the open market. Allegations that the respondent jobbers joined in an agreement to fix the resale prices of the product are denied, as well as the allegation that broadleaf spinach is a distinct variety grown almost exclusively in the Walla Walla region. Instead, the contention is made that it is grown in great quantities in Texas, Illinois, and Michigan, brought into the Chicago market from these sources, and competes there with the Walla Walla product, which does not exceed one per cent of the broadleaf spinach produced for markets in the United States.

All the answers declare there is not and has not been any contract, agreement, or understanding whereby the respondent shippers had the exclusive right, as alleged in the complaint, to purchase broadleaf spinach of the growers in the Walla Walla region to the exclusion of any other brokers, dealers or purchasers, with the single exception of the Walla Walla Gardeners' Association, a cooperative, formed and operated under the laws of the State of Washington. Hearings were to begin in Walla Walla, June 6, and to resume in Chicago, June 16.

## PEA CROP CONDITION REPORT

### Information for Week Ending June 5 Compiled by Division of Statistics

Rains during the week in the eastern States have materially improved pea crop conditions, except in New York, where additional rain will be needed to save the crop.

Wisconsin and other Western States report prospects for normal yields. Some damage, however, is reported in Wisconsin and Minnesota from excessive rainfall and aphid infestation. The aphid situation is very acute in Sheboygan, Fond du Lac, Calumet, Manitowoc, and parts of Dodge counties, Wisconsin. Around Fond du Lac aphid are running as high as 150 to 200 per sweep. Fields of Early Sweets are from six to eight inches high. This is the first year that many canners have had to treat their Alaska peas. Canners are dusting and spraying extensively. Two canners are using airplanes for dusting. Frost damage is reported for the same districts affected by aphid and there has been some damage from excessive rains.

MAINE.—Some of early peas are up but too early to estimate stand. Warm weather has made germination and growing conditions favorable.

NEW YORK I.—Two light showers during the week have improved conditions temporarily, but more rain is needed. Early Sweets in full bloom June 1, but vines very short and spindly. Prospects for light fill of pods.

NEW YORK II.—Early Sweets began blooming May 28 on very short vines. More rain needed badly. Present conditions indicate prospects for only 50 per cent normal yields.

NEW YORK III.—Growth of Alaskas very poor. Only fair for Sweets. Alaskas in full bloom June 3, one to two pods per vine with four to six fill. In spite of good stands present conditions warrant estimated yields only 40 to 60 cases. Yields of Sweets estimated only slightly higher.

NEW YORK IV.—Vines very short. Need more rain for proper growing. Alaskas in full bloom June 5. Rainfall during next week or two will determine crop of Sweets.

**MIDDLE ATLANTIC I AND II.**—Report of pack not complete for these districts but range from 20 to 50 per cent of normal yields.

**MIDDLE ATLANTIC III.**—Heavy rain during the week improved condition of Sweet peas and some late plantings of Alaskas. Early Alaskas however damaged severely from dry weather. Yields about 50 cases per acre for those now packing.

**OHIO.**—Started packing Alaskas June 5. Prospects are from 30 to 40 cases per acre. Early Sweets started blooming June 3. Heavy rains during week improved condition of Sweets materially, and helped control aphids.

**INDIANA.**—Finishing Alaska pack in southern part of State this week, with about 43 cases per acre. Upper part of State started canning June 4, with prospects of 40 to 50 cases. Rain two or three days during the week has benefited Sweets. Prospects for fair crop in north but in south Sweets were badly damaged by drought and aphids.

**ILLINOIS.**—Stands of Alaskas and Sweets very good, growth of vines about normal. Slight aphid infestation increasing in northern part of the State. Late plantings of Sweets badly infested. Continued rains have prevented satisfactory treatment. Alaskas average about three pods per vine with good fill. Yields estimated 65 cases. Late Sweets reported to be weedy. Full bloom in central part June 3.

**MICHIGAN.**—Several good showers have relieved drought conditions. Alaskas in full bloom June 5. Some fields have podded. Sweets doing nicely. Few aphids in Alaskas, more noticeable in Sweets.

**WISCONSIN I.**—Cool weather with frequent rains has favored vine growth and continued blossoming on Early Alaskas. Pods three to four per vine, five to six peas per pod. Will start packing Alaskas about June 7. Yields estimated at 65 cases. Growth of Sweets very good, but aphid infestation becoming serious.

**WISCONSIN II.**—Alaskas three to four pods per vine with fill five to seven. Cool weather and showers have favored vine growth. Some late fields of Alaskas are showing effect of too much rainfall. Weeds are growing rapidly and aphids have multiplied rapidly in last few days. Expect to begin packing about June 10. Growth of Sweets very good, now about four inches high. Aphid infestation increasing and may become serious, especially on late plantings.

**WISCONSIN III.**—Set of pods on Alaskas three to four per vine with fill six to seven. Growth has been very good and moisture plentiful. Aphids are increasing. Started dusting June 3. Stands and growth of Sweets very good. Aphid infestation however may become serious.

**WISCONSIN IV.**—Alaskas in full bloom June 2. Temperatures have been normal with rainfall plentiful. Aphids reported very bad in eastern part of district, dusting for control. Estimates in western part of district indicate normal yields of Alaskas. Growth of Sweets very satisfactory.

**WISCONSIN V.**—Growth of Alaskas heavy. First bloom May 29. Heavy rainfall during week with temperature slightly below normal. Slight aphid infestation.

**MINNESOTA.**—Heavy rains during week have done some damage, mainly washing and standing water. Vines yellowing in poorly drained areas, some hail damage. Heavy rains have temporarily relieved aphid threat. Yields of Alaskas estimated from 60 to 80 cases.

**IOWA.**—Heavy rain during week arrived too late to help yields of early peas but materially improved conditions of late plantings. Alaska pack started May 31 with yields about

40 cases per acre on first run. Yields however may average slightly higher.

**COLORADO.**—Peas showing good growth. Temperature and moisture normal. Alaskas full bloom June 6. Sweets first bloom June 2. Late Sweets six to fourteen inches tall.

**UTAH.**—Moisture condition good, no irrigation as yet. Some hail damage in northern part of State. Late Sweets just starting to bloom June 1. Prospects continue very good for normal crop. Slight aphid infestation.

**WYOMING.**—Rainfall above normal. No aphid infestation nor frost. Hail damage May 30, about 8 per cent of acreage. Late Sweets about twelve inches high with conditions excellent.

**OREGON-WASHINGTON I.**—Weather conditions continue favorable with vine growth becoming more rank. Approximately 10 per cent of the acreage is showing, above normal infestation of aphids. Pods set five to six to the vine with seven to eight peas per pod. Yields estimated at 100 cases per acre.

**PUGET SOUND.**—Early Sweets in full bloom June 2. Heavy rains May 29 and 31 supplied sufficient moisture to carry through to what now promises to be a very good crop. Some fields are weedy but peas are still keeping ahead, a very few aphids are showing up. The Late Sweets show a very heavy growth. Present moisture will carry them along for two or three weeks. Very slight aphid infestation.

The following table shows temperature and rainfall data for the weeks ending June 3, 1940 and 1941:

REPORTING DISTRICTS	Temperature departure from normal		Rainfall	
	1940	1941	1940	1941
	Degrees	Degrees	Inches	Inches
Maine.....	+1	-2	3.0	0.14
New York I.....	0	0	0.5	0.17
New York II.....	-2	0	0.2	0.28
New York III.....	-1	0	1.4	1.02
New York IV.....	+1	0	2.0	1.76
Middle-Atlantic I.....	+1	+4	0.6	0.66
Middle-Atlantic II.....	0	+5	1.2	1.30
Middle-Atlantic III.....	-2	+4	1.2	1.85
Ohio.....	-3	+7	2.7	2.05
Indiana.....	-3	+10	0.7	3.59
Illinois.....	0	+10	0.6	1.01
Michigan.....	+2	+5	0.5	0.20
Wisconsin I.....	+3	+4	0.1	2.38
Wisconsin II.....	+4	+3	0.1	1.37
Wisconsin III.....	+5	+2	0.1	0.36
Wisconsin IV.....	+5	0	0.1	2.55
Wisconsin V.....	+6	+5	T	2.52
Minnesota.....	+7	+5	1.8	2.30
Iowa.....	+4	+10	0.1	1.96
Nebraska.....	+6	+8	0.2	2.35
Colorado.....	+6	+3	T	0.03
Utah I.....	+9	+1	T	0.38
Utah II.....	+9	+1	T	0.38
Utah III.....	+9	+1	T	0.38
Wyoming.....	+6	0	T	0.51
Montana.....	+6	0	0.4	0.34
Washington-Oregon I.....	+4	-4	0.1	1.11
Washington-Oregon II.....	+2	-1	0.2	0.99
Puget Sound.....	+6	+2	0.5	1.05

### Malaya Ships Half its Tin to America

Approximately half of the exports of tin from the British colony of Malaya in 1940 were destined to the American market, according to the U. S. Bureau of Foreign and Domestic Commerce. Total shipments of metallic tin in the first 11 months of the year, the latest period for which figures are available, amounted to 118,968 tons.



# CONGRESS SUMMARY

## Tax Program and Three Appropriation Measures Considered—Price Study Approved

The House Ways and Means Committee has begun executive consideration of new tax proposals designed to raise \$3,500,000,000 in additional revenue, and has announced the adoption of two broad policies to guide it in drafting specific measures. These two policies, made public by Chairman Doughton, are contained in Committee resolutions that state: First, "It is the sense of the Committee that where existing excise taxes are increased or new excise taxes are imposed, a floor stock tax be also imposed"; second, "That we retain the present optional plan of computing excess profits taxes with such revision as the Committee may see fit to make." The second of these guides to policy indicates that the House will not go along with the Treasury Department in its reported opposition to the optional method of permitting the taxpayer to arrive at his excess profits tax figure.

Three important appropriation bills received consideration in Congress during the week. The House passed the combined Labor Department and Federal Security Agency bill totaling \$1,200,000,000 and a War Department bill totaling \$9,800,000,000. The Senate passed and sent to conference the Department of the Interior appropriation bill totaling \$185,000,000 representing an increase over the amount passed by the House of approximately \$8,000,000.

The Senate also passed a controversial amendment to the Sugar Act. The bill would allocate to foreign sugar producers up to 75,000 tons of any sugar that the Philippines are unable to market within their quota.

Representative Casey of Massachusetts has reintroduced, and has received the approval of the House Rules Committee, of a resolution (H. Res. 212) to establish a special House committee of five members to study the prices paid for the necessities of life. The duties of the proposed committee would be to make a full and complete study and investigation with respect to problems facing the purchasers of goods in the markets of this country and to make recommendations to Congress with respect to legislation upon the subject. The resolution would give the committee broad powers to subpoena witnesses and to require the production of books, records, and other documents.

Chairman Reynolds of the Senate Military Affairs Committee has introduced a bill (S. 1579) to authorize the President, during a national emergency, to requisition any property that can be used directly or indirectly for national defense. Such action might be taken by the President whenever he deems it in the interest of national defense, according to its provisions. The bill provides that the owner of the property so requisitioned shall be paid such sum as the President shall determine to be fair and just. However, if the sum determined by the President is unacceptable to the owner, he would be paid 75 per cent of the amount decided by the President and would be permitted to sue the United States for an additional sum determined by the court as fair and just.

Another proposal to enlarge the President's powers to take over plants for national defense needs has been introduced by Senator Connally of Texas. The Connally bill would

amend Section 9 of the Selective Service Act and would permit the President to take immediate possession of any plant in which the national defense program is impeded or delayed by an existing or threatened failure of production as a result of a strike or other labor disturbance or other cause.

## Alaskan Fisheries Regulations Amended

Amendments to the Alaska commercial fisheries regulations for the current season have been issued by the Fish and Wildlife Service of the Department of the Interior and published in the Federal Register for May 21. They deal with the restrictions on salmon fishing in Nushagak Bay of the Bristol Bay Area, the open seasons in the salmon fisheries of the Alaska Peninsula Area, and the salmon trap locations in the Cook Inlet Area and the Eastern District of the Southeastern Alaska Area. The amendments also change the regulations with respect to the herring fisheries of Kodiak, Prince William Sound, and Southeastern Alaska Areas.

## Japanese Canned Salmon Pack Shows Decline

Japanese production of canned salmon in 1940 was appreciably under the previous year's total, reports the Bureau of Foreign and Domestic Commerce, which states that, according to unofficial but reliable sources, last year's pack amounted to approximately 1,925,000 cases, 26.7 per cent under the 1939 figure.

The bulk of the 1940 pack is reported to have consisted of 617,000 cases of red salmon, 1,080,000 cases of pink, and 86,000 cases of silver, king, and other species. Of the total pack, 973,000 cases came from Kamchatka, 460,000 cases from Kita-Chusima, 302,000 cases from floating canneries, and 46,000 from Aomori.

## Breeding Disease-Resistant Tomato Varieties

As tomato growing has become more intensified, successively larger areas of land have become infested with the soil-inhabiting fungus which causes fusarium wilt of tomatoes. This disease is making the growing of wilt-susceptible tomato varieties more and more hazardous and even prevents commercial production of such varieties in many localities.

Foreseeing the increasing menace of wilt and other diseases to the tomato industry, the Department of Agriculture, through the Division of Plant Exploration and Introduction, has imported during the past decade many hundreds of tomato varieties and numerous related species from various parts of the world, for use in breeding new varieties. These introductions are being tested to determine their resistance to various tomato diseases so as to be able to isolate superior resistant plants for use as parents in the development of varieties immune or more highly resistant to a number of diseases. A description of this work is contained in Circular 584, of the U. S. Department of Agriculture, entitled "Development of Interspecific Tomato Hybrids of Horticultural Value and Highly Resistant to Fusarium Wilt."

### Grading of Canning Crops in Pennsylvania

A mimeographed report of the canning crop grading service conducted during 1940 has just been issued by the Pennsylvania Department of Agriculture, covering apples, berries, cherries, corn, grapes, lima beans, peas, peaches, plums, snap beans, and tomatoes. While this work was carried on as a State supervised project, assistance was given by the U. S. Department of Agriculture in the formulation and interpretation of grades and in supplying trained inspectors.

According to the report, the acreage of vegetables for canning has increased from 7,740 acres in 1924 to 41,040 in 1940. Inspectors were employed in the grading service at 55 points in 1940, as compared to 51 points in 1939. Information is included on the volume of each crop grade, on grades and prices of the various raw products, and on costs of the grading and inspection service. Copies of the report may be obtained upon request directed to the Bureau of Markets, Harrisburg, Pennsylvania.

### Defense Allocation Program for Cork Supplies

Commencing June 12, cork manufacturers are required to set aside their entire stocks of cork in all forms, as a reserve out of which the Director of Priorities, Office of Production Management, will make allocations to defense orders, according to a general preference order putting cork under industry-wide control, announced by O.P.M., June 2. Last week, cork manufacturers were instructed to cut their processing operations in half. After defense allocations have been made, civilian allocations will follow along the lines of a program drawn up by the Office of Price Administration and Civilian Supply. Specific instructions for delivery will be given to cork manufacturers monthly.

### Additional Officers of Canning Associations

In previous issues the INFORMATION LETTER has furnished the names of the presidents and secretaries of State, regional, and commodity canners associations. To those previously published should be added the following:

#### BALTIMORE CANNED FOODS EXCHANGE

William E. Lamble, president, Baltimore, Md.  
Ernest H. Langrall, secretary, Baltimore, Md.

#### CALIFORNIA SARDINE PRODUCTS INSTITUTE

Edward David, president, Monterey, Calif.  
Maurice L. Brenner, secretary, Monterey, Calif.

### New Bulletin on Tomato Pest

The results of continued study of the occurrence of corn ear worm on tomatoes in California are contained in Bulletin 644, issued by the California Experiment Station and entitled "Investigations of Caterpillars Attacking Tomatoes in Northern California during 1939". Flight habits of this insect, data on field experiments to determine control measures, and removal of residue are some of the subjects covered in this publication, copies of which may be obtained upon inquiry directed to the Raw Products Bureau.

### Vegetable Seed Treatment Described in Bulletin

Treatment of seed to prevent growth of disease-producing organisms which may be carried in, on, or with the seed, is discussed in a recent Farmers Bulletin, No. 1862, issued by the U. S. Department of Agriculture. Seed disinfectants and seed protectants are described, and a chart is given listing a number of vegetables for which specific treatment is recommended. These include asparagus, beans, beets, cabbage, carrots, corn, lima beans, onions, peas, peppers, and tomatoes.

The chemical treatments commonly used for disinfectants and protecting seeds, roots, and tubers are described, including those containing mercury, copper, zinc, and formaldehyde. Information also is given on use of other treatments, such as hot water, acetic acid, and the fermentation soak. The Raw Products Bureau of the Association can supply copies of this bulletin, on request.

### Argentina to Have Large Grapefruit Surplus

Production of grapefruit in Argentina during the current season will be considerably in excess of the volume required to supply both domestic and foreign markets, according to the Bureau of Foreign and Domestic Commerce, which states that a reliable Argentine source estimates that the crop in the main producing district of Misiones will total approximately 110,000 boxes of 32 kilograms each (70.4 pounds). It is believed that of this production the Buenos Aires market will be able to absorb only about 40,000 boxes, although it is possible that the total may run to a considerably higher figure in view of increasing popularity of grapefruit.

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